

JAN 12 2006

Attorney's Docket No.: 14083-011001

OFFICIAL COMMUNICATION FACSIMILE:**OFFICIAL FAX NO: (571) 273-8300**

Number of pages including this page 9

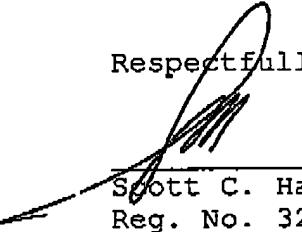
Applicant : Cleveland et al. Art Unit : 2878
Serial No.: 10/822,352 Examiner : Kevin Pyo
Filed : April 12, 2004

Title : Flexure Assembly for a Scanner

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is a Request to Correct Inventorship Under 37 CFR 1.48(B), faxed this 12th day of January 2006, to the United States Patent and Trademark Office.

Respectfully submitted,



Scott C. Harris
Reg. No. 32,030

Date: January 12, 2006

Fish & Richardson P.C.
PTO Customer No. 20985
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Fax: (858) 678-5099

10588206.doc

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (858) 678-5070 to arrange for its return. Thank you.

PAGE 1/9 * RCVD AT 1/12/2006 8:49:11 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/27 * DNIS:2738300 * CSID:8586785099 * DURATION (mm:ss):05:20

BEST AVAILABLE COPY

01/12/2006 17:50 FAX 8586785099
01/12/2006 THU 16:54 FAX 860 347 6502 zygo Corp-D & D

FISH AND RICHARDSON

RECEIVED
CENTRAL FAX CENTER 002
005/008

JAN 12 2006

Attorney's Docket No.: 14083-011001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cleveland et al. Art Unit : 2878
Serial No. : 10/822,352 Examiner : Kevin Pyo
Filed : April 12, 2004
Title : FLEXURE ASSEMBLY FOR A SCANNER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(B)

Pursuant to 37 CFR 1.48(b), please correct the inventorship of the above-referenced application by deleting Jason Cleveland and David Grieggs as inventors. This correction is requested because the named inventors' invention is no longer being claimed in the application. A declaration under rule 67A is being concurrently filed to provide an evidentiary basis for this conclusion.

The named inventors' invention is outlined in the specification of the original patent, which issued as U.S. Patent No. 6,246,052. The invention is a flexure carriage assembly, where a symmetric carriage has four elongate columns connected by cross members. A translating section (which can be a stage for holding a sample) is connected to the elongate columns by flexures. The flexures allow the translating section to move in the X and Y directions in response to applied forces in the X and Y directions. As the patent says, "The symmetry of the flexure carriage eliminates virtually any movement in a Z direction perpendicular to the X-Y plane." (Column 2, lines 55-57).

The flexure carriage assembly 24 that includes the flexure carriage 25 is shown in FIG. 2A of the patent. The four elongate columns are designated as 32A, 32B, 32C, and 32D. The cross members are 38A-D (top cross members), and 40 A-D (bottom cross members). The flexure carriage 25 also includes a translating section 29.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Jan 12, 2006
Date of Transmission
S. Gehhart
Signature
S. Gehhart
Typed or Printed Name of Person Signing Certificate

Applicant : Cleveland et al.
Serial No. : 10/822,352
Filed : April 12, 2004
Page : 2 of 3

Attorney's Docket No.: 14083-011001

The elements of the invention are as follows:

- (1) A symmetric carriage with four elongate columns
- (2) A translating section located in a space between the columns, and equidistant from the ends of the columns
- (3) Flexures interconnecting the other elements to provide for the desired movement in X and Y.

Additionally, the elements directed toward actuation required a pair of actuators attached to the translating section for each axis, so two pairs (four actuators total) are required to generate X and Y translation.

The pending claims don't include the elements necessary for the inventors' invention.

Another reason that the claims aren't directed toward the inventors' invention is that they cover technology previously made public. For example, the inventors do not believe that the pending claims are patentable over U.S. Patent No. 5,360,974 to Hammond et al.

Relevant to pending claim 20, Hammond states that the invention offers "extremely flat horizontal motion" (col 4, lines 38-39). Holder blocks 16 provide mounting surfaces for the frame, to which the one end of each piezo actuator 14 is attached (see col 3, lines 49-51). The center translation portion is 26 is shown in Hammond's Figure 2. It is the surface upon which the scanning probe tip is received (see col 3, lines 39-43). Flexures 17 are arranged between the end of the piezo actuators 14 opposite the frame and the respective side of the dual quad flexure carriage 12 (see col 3, lines 54-57), and they allow translational movement of the dual quad flexure carriage.

Relevant to pending claim 21, Hammond states that the actuators are commercial units combining precision piezo stack actuators with capacitive position feedback sensors (see col 3, lines 51-53). Piezo stack actuators are composed of many piezoelectric elements, so requiring a pair of elements per actuator wouldn't distinguish the invention from prior art.

Relevant to pending claim 22, in the preferred embodiment of Hammond, flexures 17 are interposed between the ends of the piezo actuators 14 and the respective holder blocks 16 (see col 3, lines 58-59).

Please apply any charges or credits to Deposit Account No. 06-1050.

Applicant : Cleveland et al.
Serial No. : 10/822,352
Filed : April 12, 2004
Page : 3 of 3

Attorney's Docket No.: 14083-011001

Respectfully submitted,

Date: 1/12/06
Scott C. Harris
Reg. No. 32,030Date: 2006/01/12
Jason P. Cleveland

Date: _____


David Grigg

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

10583786.doc

Applicant : Cleveland et al.
Serial No. : 10/822,352
Filed : April 12, 2004
Page : 3 of 3

Attorney's Docket No.: 14083-011001

Respectfully submitted,

Date: _____

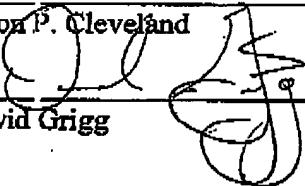
Scott C. Harris
Reg. No. 32,030

Date: _____

Jason P. Cleveland

Date: 1/12/06

David Grigg



Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

10583786.doc

RECEIVED
CENTRAL FAX CENTER

Attorney's Docket No.: 14083-011001

JAN 12 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cleveland et al.
Serial No. : 10/822,352
Filed : April 12, 2004
Title : FLEXURE ASSEMBLY FOR A SCANNER

Art Unit : 2878

Examiner : Kevin Pyo

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 1.67(A)(1)

As a below-named inventor(s), I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I do believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which was originally claimed in U.S. Patent Application Serial No. 09/398,698, filed on September 20, 1999 (now U.S. Patent No. 6,246,052), and as set forth in the declaration executed on April 13, 2000 and March 6, 2000. However, I do NOT believe that I am an original inventor for the claims now presented the invention entitled:

FLEXURE ASSEMBLY FOR A SCANNER

the specification of which was filed on April 12, 2004, as Application Serial No. 10/822,352.

I do not believe that I am the original, first, and joint inventor of the subject matter which is claimed at least because I do not believe the claims in 10/822,352 are patentable in view of U.S. Patent No. 5,360,974 to Hammond et al.

Relevant to pending claim 20, Hammond states that the invention offers "extremely flat horizontal motion" (col 4, lines 38-39). Holder blocks 16 provide mounting surfaces for the frame, to which the one end of each piezo actuator 14 is attached (see col 3, lines 49-51). The center translation portion is 26 is shown in Hammond's Figure 2. It is the surface upon which the

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Jan. 12, 2006

Date of Transmission

Signature

Typed or Printed Name of Person Signing Certificate

Applicant : Cleveland et al.
Serial No. : 10/822,352
Filed : April 12, 2004
Page : 2 of 3

Attorney's Docket No.: 14083-011001

scanning probe tip is received (see col 3, lines 39-43). Flexures 17 are arranged between the end of the piezo actuators 14 opposite the frame and the respective side of the dual quad flexure carriage 12 (see col 3, lines 54-57), and they allow translational movement of the dual quad flexure carriage.

Relevant to pending claim 21, Hammond states that the actuators are commercial units combining precision piezo stack actuators with capacitive position feedback sensors (see col 3, lines 51-53). Piezo stack actuators are composed of many piezoelectric elements, so requiring a pair of elements per actuator is inherent from Hammond's disclosure, and wouldn't distinguish the invention from the prior art.

Relevant to pending claim 22, in the preferred embodiment of Hammond, flexures 17 are interposed between the ends of the piezo actuators 14 and the respective holder blocks 16 (see col 3, lines 58-59).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of 1st named inventor: JASON P. CLEVELAND

Inventor's signature: 

Date: 2006/01/12

Residence: Ventura, California

Citizen of: United States

Post Office Address: 2524 Pierpont Blvd.
Ventura, California

Full name of 2nd named inventor: DAVID GRIGG

Inventor's signature: 

Date: _____

Applicant : Cleveland et al.
Serial No. : 10/822,352
Filed : April 12, 2004
Page : 2 of 3

Attorney's Docket No.: 14083-011001

scanning probe tip is received (see col 3, lines 39-43). Flexures 17 are arranged between the end of the piezo actuators 14 opposite the frame and the respective side of the dual quad flexure carriage 12 (see col 3, lines 54-57), and they allow translational movement of the dual quad flexure carriage.

Relevant to pending claim 21, Hammond states that the actuators are commercial units combining precision piezo stack actuators with capacitive position feedback sensors (see col 3, lines 51-53). Piezo stack actuators are composed of many piezoelectric elements, so requiring a pair of elements per actuator is inherent from Hammond's disclosure, and wouldn't distinguish the invention from the prior art.

Relevant to pending claim 22, in the preferred embodiment of Hammond, flexures 17 are interposed between the ends of the piezo actuators 14 and the respective holder blocks 16 (see col 3, lines 58-59).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of 1st named inventor: JASON P. CLEVELAND

Inventor's signature: 

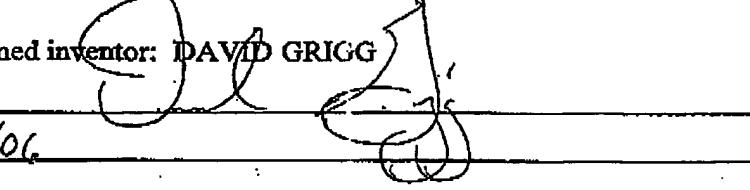
Date: 

Residence: Ventura, California

Citizen of: United States

Post Office Address: 2524 Pierpont Blvd.
Ventura, California

Full name of 2nd named inventor: DAVID GRIGG

Inventor's signature: 

Date: 1/12/06

Applicant : Cleveland et al.
Serial No. : 10/822,352
Filed : April 12, 2004
Page : 3 of 3

Attorney's Docket No.: 14083-011001

Residence: Glastonbury, CT
Citizen of: United States
Post Office Address: 69 Spruce Lane
Glastonbury, CT 06033

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

10583783.doc